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ACTION L-01

INFO	LOG-00	AF-01	AID-01	CIAE-00	DODE-00	DS-00	EUR-01
	H-01	INR-00	IO-16	JUSE-00	ADS-00	NSAE-00	NSCE-00
	OIC-02	OIG-04	OMB-01	PA-01	PM-00	PRS-01	P-01
	SNP-00	SP-00	SS-00	TRSE-00	T-00	USIE-00	PMB-00
	DSCC-00	DRL-09	G-00	/040W			

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P 080939Z AUG 94  
FM AMEMBASSY THE HAGUE  
TO SECSTATE WASHDC PRIORITY 4636  
INFO AMEMBASSY BEIJING PRIORITY  
AMEMBASSY KAMPALA PRIORITY  
USMISSION GENEVA PRIORITY  
AMEMBASSY MOSCOW PRIORITY  
AMEMBASSY PARIS PRIORITY  
AMEMBASSY LONDON PRIORITY  
AMEMBASSY BRUSSELS PRIORITY  
AMEMBASSY BUJUMBURA PRIORITY

C O N F I D E N T I A L THE HAGUE 004886

STATE FOR L MICHAEL J. MATHESON  
KAMPALA PASS AMBASSADOR RAWSON KIGALI

E.O. 12356: DECL: OADR  
TAGS: PREL, PHUM, RW, UK, US, CH, RS, FR  
SUBJECT: RWANDA WAR CRIMES

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1. CONFIDENTIAL ENTIRE TEXT.

2. SUMMARY: ON AUGUST 5, DEPARTMENT LEGAL ADVISER  
CONRAD HARPER AND DEPUTY LEGAL ADVISER MICHAEL MATHESON  
DISCUSSED RWANDA WAR CRIMES ISSUES WITH UK FCO LEGAL  
ADVISED BERMAN IN LONDON; ON AUGUST 6, MATHESON  
DISCUSSED SAME ISSUES WITH NETHERLANDS LEGAL ADVISER  
BOS, BELGIAN CABINET ADVISER RIETJENS AND TRIBUNAL -  
DEPUTY PROSECUTOR BLEWITT. BOS, RIETJENS AND BLEWITT  
AGREED ENTIRELY WITH U.S. APPROACH. BERMAN DID NOT  
EXPRESS OPPOSITION, BUT QUESTIONED WHETHER INTERNATIONAL

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PROSECUTION WAS A GOOD USE OF SCARCE RESOURCES AND ASKED WHY RWANDA COULD NOT HANDLE PROSECUTIONS ON A NATIONAL BASIS. END SUMMARY.

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3. WE PROVIDED BERMAN, BOS, RIETJENS AND BLEWITT WITH CLEARED US PROPOSAL ON STRUCTURING OF RWANDA WAR CRIMES PROSECUTIONS, AND EXPLAINED IN DETAIL THE REASONS FOR OUR PROPOSAL AND THE NEED TO PROCEED ON AN URGENT BASIS.

4. BERMAN DID NOT SAY UK OPPOSED INTERNATIONAL PROSECUTIONS, BUT HE DID ASK A SERIES OF QUESTIONS SUGGESTING A SKEPTICAL BRITISH ATTITUDE. SPECIFICALLY, HE ASKED WHY RWANDAN COURTS COULD NOT HANDLE PROSECUTIONS; WE CITED COLLAPSE OF RWANDAN JUDICIAL SYSTEM, LIKELY HUTU PERCEPTION OF RWANDAN TRIALS AS TUTSI REVENGE, AND UNLIKELIHOOD THAT AUTHORITIES IN RWANDA WOULD GET CUSTODY OVER OFFENDERS WHO HAD FLED TO ZAIRE AND ELSEWHERE. HE ASKED WHAT LEGAL BASIS FOR INTERNATIONAL TRIALS WOULD BE; WE CITED YUGOSLAV PRECEDENT AND SECURITY COUNCIL'S CHAPTER VII AUTHORITY

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IN LIGHT OF THREAT TO PEACE POSED BY CURRENT UNSTABLE SITUATION, PARTICULARLY IF KIGALI AUTHORITIES PURSUE REVENGE TRIALS OR CRIMES GO UNPUNISHED. HE ASKED WHETHER THIS WOULD BE EFFECTIVE USE OF RESOURCES; WE CITED SAVINGS IN TIME AND RESOURCES THAT COULD BE MADE BY UTILIZING THE INSTITUTIONAL ARRANGEMENTS JUST CREATED IN THE HAGUE, AS SUGGESTED IN U.S. PROPOSAL. BERMAN DID NOT GIVE US THE IMPRESSION THAT THE UK WOULD FIGHT THIS VERY HARD.

5. BOS, RIETJENS AND BLEWITT ALL FAVORED THE U.S. PROPOSAL. RIETJENS WAS PARTICULARLY ENTHUSIASTIC, SAYING THAT BELGIAN PUBLIC OPINION WAS DEMANDING ACTION. ALL THREE AGREED THAT CREATING SEPARATE TRIBUNALS WAS A BAD IDEA, WHICH COULD LEAD TO DISPARITIES IN LEGAL INTERPRETATION AND WASTED DUPLICATION OF EFFORT. BLEWITT CONFIRMED THAT GOLDSTONE WAS INTERESTED IN SUPERVISING BOTH EFFORTS, AND THOUGHT THE ENTIRE OPERATION COULD BE EFFICIENTLY HANDLED IN THE TRIBUNAL BUILDING IN THE HAGUE (ONLY ONE-THIRD OF WHICH IS OCCUPIED BY YUGOSLAV OPERATION).

6. MINIMIZE CONSIDERED. DORNBUSH

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